

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIRITKUMAR D. DESAI,	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
PENNSYLVANIA BOARD OF	:	
PROBATION AND PAROLE, et al.,	:	
Respondents	:	NO. 05-1811

ORDER

AND NOW, this 15th day of December, 2005, upon careful and independent consideration of the Petition for Writ of Habeas Corpus (Docket No. 1), and the respondents' Response, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge (Docket No. 11) and the additional information filed by the petitioner in response, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED.
2. The Petition for Writ of Habeas Corpus is DENIED AND DISMISSED AS TIME BARRED pursuant to 28 U.S.C. § 2244(d)(1).
3. There is no basis for the issuance of a certificate of appealability.

The Court has reviewed the additional information which was filed by the petitioner in response to the Report and Recommendation. The petitioner argued the merits of his habeas petition, but did not put forth any argument why his petition was not time barred. Following an independent review of the record, the Court agrees with the Report and Recommendation that the petition for habeas corpus must be dismissed as time barred.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.